

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 3-6, 8-10, and 12-16 are pending. Claims 2, 7 and 11 have been canceled without prejudice or disclaimer of subject matter. Claims 1, 5, 6, 8-10, 12, and 14-16, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification, specifically at paragraph [0116].

The Specification is amended. Applicants note that the amendment to the Specification is not new matter. As shown by, *inter alia*, the attached Exhibit, the amendment to the specification corrects an obvious error that one skilled in the art would recognize exists as well as the appropriate correction thereto. MPEP §2163.07.

No new matter has been introduced by this amendment. Changes to the claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

II. TELEPHONIC INTERVIEW

Applicants thank the Examiner for the telephonic interviews held on October 20, 2009 and October 26, 2009, summarized herewith. The Examiner and Applicants' representative

discussed 35 U.S.C. §103 rejections over Zick. For the reasons given below, an agreement was reached. The Examiner agreed that the amendments herein were clarifying in nature. The Examiner agreed that the claims overcome Zick and stated that the reference would be removed. Applicants, thus, understand that the amendments will be entered.

III. SUPPORT FOR THIS AMENDMENT

Citations to Figures and Specification locations are provided. However, such citations are provided merely as examples and are not intended to limit the interpretation of the claims or to evidence or create any estoppel.

As an example, non-limiting exemplary support of the amendment can be found at paragraph [0116] the Specification, which is reproduced as follows:

When it is determined at step S1 that the coding picture type is the I-picture, the controller 185 is supplied with parameter information from the parameter input unit 187 at step S2 and determines whether or not the phase of a macro block in previous coding agrees with the phase of a macro block of present coding referring to the information showing the phases of the macro blocks included in the parameter information (for example, information similar to v_phase and h_phase in SMPTE 329M). When it is determined at step S2 that the phase of the macro block in the previous coding does not agree with that of the present coding, the processing goes to step S7 to be described later. (paragraph [0116])

IV. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1, 3, 5, 6, 8-12, and 14-16 were rejected under 35 U.S.C. §103(a) over European Patent No. 1,069,779 to Kitamura et al. (hereinafter, merely “Kitamura”) in view of U.S. Patent No. 5,774,593 to Zick et al. (hereinafter, merely “Zick”).

Claim 4 was rejected under 35 U.S.C. §103(a) over Kitamura and in view of Zick and further in view of U.S. Patent No. 6,445,828 to Yim et al. (hereinafter, merely “Yim”).

Claim 13 was rejected under 35 U.S.C. §103(a) over Kitamura in view of Zick and in view of Yim and further in view of U.S. Patent No. 5,991,452 to Shimizu et al. (hereinafter, merely “Shimizu”).

V. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

A signal processing apparatus...comprising:

...wherein ... whether a coding phase of a past macro block agrees with that of a coding phase of a current macro block.
(Emphasis added)

The Office Action (see page 3, lines 19-24 and page 4, lines 1-8) concedes that Kitamura does not disclose the above-identified features of claim 1 and relies on Figure 9B of Zick to reject **“wherein ... whether a coding phase of a past macro block agrees with that of a coding phase of a current macro block,”** as recited in claim 1. Specifically, the Office Action interprets “an alignment of I frames” of Zick to reject the **“a coding phase of a past macro block agrees with that of a coding phase of a current macro block,”** as required by claim 1. Applicants respectfully disagree.

Zick (see Zick, column 15, lines 45-65 for Figure 9B) describes: “three frames are input including the current I-picture, the previous reference frame, and the previous I-picture ... a decision block 422 checks to determine if the prior I-picture is the previous reference frame.”

Firstly, Zick determines whether a previous **I-picture** is the previous reference **frame**. As known by an ordinary skilled in the art, a frame includes a plurality of macro blocks. And in the MPEG format, the coding and decoding of a frame require a separate set of information from the coding and decoding of macro blocks. Therefore, it is unobvious for a person of ordinary skill in the art to apply Zick’s teachings of frames to the agreement between two macro blocks of the above-identified features of claim 1.

Secondly, Zick’s teaching is a determination of a reference frame. Applicants submit that a person of ordinary skill in the art would not interpret reference frames as “**a coding phase of a macro block**,” as recited in claim 1.

Applicants submit, as an exhibit, a copy the SMPTE 328M standard, which shows non-limiting exemplary “coding phases of a macro block”, as evidence to demonstrate how a person of ordinary skill in the art would understand “**a coding phase of a macro block**”.

Applicants respectfully submit that Kitamura and Zick, taken either alone or in combination, fails to disclose or render predictable “**wherein ... whether a coding phase of a past macro block agrees with that of a coding phase of a current macro block**,” as recited in claim 1. Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, amended independent claims 5, 6, 8-10, 12, and 14-16 are also patentable.

As nothing in the prior art cited in the Office Action cures the above identified deficiencies, Applicants respectfully request reconsideration and withdrawal of the rejections.

VI. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims discussed above, and are therefore believed patentable for at least the same reasons. As nothing in the prior art cited in the Office Action cures the above identified deficiencies, Applicants respectfully request reconsideration and withdrawal of the rejections. As each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

Because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

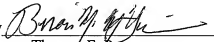
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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